

# Index

- A mensa et thoro, 6
- A vinculo matrimonii, 6,7
- Abbott, G., 218-219
- Abel Beth-Maachah, 297-298
- Abortion
  - rights of children, Supreme Court decisions, 130-131
  - rights of fathers, 40-42
  - spousal consent regarding, 41
  - Supreme Court decision on, 284
- Absolute divorce, 7
- Abuse
  - spousal
    - in early England, punishment, 9
    - men's rights regarding, 42-43
    - sterilization, 264
- Achtenberg, R., 69
- ACLU. *See* American Civil Liberties Union
- Adams, A., 13-14
- Adams, J., 13-14
- Adoption
  - in gay and lesbian relationships, 63-64
  - rights of unwed fathers regarding, 39-40
  - by stepparents, 176-177
- Adultery
  - divorce due to, 101
  - in early England, punishment for, 7-8
- AFDC. *See* Aid to Families with Dependent Children
- African American(s)
  - marriages among, in post-Revolutionary America, 21-22
  - unemployment rates for, 87-88
- African American family
  - black matriarchy in, 80-81
  - child care issues, 92-93
  - controversial issues in, 80
  - credit issues, 88-89
  - divorce in, 80
  - employment issues, 87-88
  - housing issues, 89-92. *See also* Housing, in African American families
  - illegitimacy in, 80,81-82
  - inequality of, in United States, 79-80
  - negative view of, 80
  - non-traditional unions, 82
  - public welfare in, 80
  - single-parent, 77-93. *See also* African American family, and U.S. legal system
  - AFDC for, 83-87. *See also* AFDC (Aid to Families with Dependent Children)
  - employment issues, 87-88
  - historical rationales for, 81-82
  - housing issues, 89-92
  - Legal Aid for, 82-83
  - legal services benefiting, 83
  - poverty rate, 87
  - prevalence, 87
  - segregation of, 90
  - Social Security cuts effects on, 84-85
  - welfare for, 83-87
- and U.S. legal system, 77-93. *See also* African American family, single-parent
- common law marriages, 82
- economic issues, 83-87
- lack of support, 82
- slavery and, 81-82

- sociologists effects on, 80
- without health insurance, prevalence, 85
- African American women, sterilization abuse of, 264
- Age
  - as factor in cohabitation, 144-146
  - as factor in credit use, patterns of expenditure and indebtedness, 197-198, 207
  - as factor in marriage, 24
  - Aggadot*, 293
- Aid to Dependent Children (ADC), 221
- Aid to Families with Dependent Children (AFDC)
  - for African American single-parent families, 83-87
  - changes proposed by Reagan-Bush, 86-87
  - governing body of, 83
  - "Man in the House" rule regarding, 86
  - requirements for, 85-86
  - for stepchildren, 182-183
  - variations in expenditures, 85
- Aid to the Blind, 221
- Air, A., 12
- Alimony
  - gender neutrality and equality effects on, 104
  - purpose of, 109
  - rehabilitative, following heterosexual cohabitation breakup, 152
- Alison D. v. Virginia M.*, 65-68
- America, post-Revolutionary. *See* Post-Revolutionary America
- American Bar Association Family Law Section, 189
- American Civil Liberties Union (ACLU), children's rights issues, 123-124
- American colonies
  - diversity of, 11
  - law and family in, historical perspective courts of equity, 11
  - divorce, 12
- Amish, public school education issues related to, 128-129
- Angel, M., 12
- Annas, A., 248-249
- Annulment, historical perspective, in England, 7
- grounds for, 7
- Aramaic Papyri from Elephantine on the Upper Nile, 286
- Artificial insemination
  - in Georgia, 37
  - legalities regarding, 37-38
  - legitimacy in, 37
  - paternity in, 37
  - prevalence, 37
- Artificial Insemination and the Law*, 37
- Asante, M.K., 79
- Assets, exempt, following bankruptcy, 201-202
- Assisted conception, legalities regarding, 37
- Atkins, T., 8
- "Automatic stay," in filing bankruptcy, 199
- Baby Boomers, bankruptcy declared by, 207
- Bachrach, C.A., 146
- "Bad mothers," Norplant for, 259, 269-270
- Baehr v. Levin*, 61-62
- Bahr, S.J., 104, 108
- Baker v. Nelson*, 58-62
- Bane, M., 230, 231
- Bankruptcy
  - Chapter 7, 200, 202-203, 205
  - Chapter 11, 200-203
  - Chapter 13, 200-203, 205, 206

- custodial parent, 211-212
- debts not dischargeable following, 201
- described, 203-204
- division of property in, 200
- exempt assets following, 201-202
- families in, 193-213
  - automatic stay, 199
  - Baby Boomers, 207
  - as both debtors and creditors, 204
  - characteristics of, 195
  - consequences of, 199
  - credit status following, 199-200
  - credit use and, 197-198
  - divorce and, 204, 208
  - economic sustenance within, problems related to, 206-207
  - effects, 197-200
  - equity and welfare issues, 205
  - filing procedure, 204-205
  - homes affected by, 199-200
  - incidence, 193
  - joint incurrence of, 205
  - judges influence on, 202-203
  - marriage problems related to, 209-212. *See also* Bankruptcy, marital instability and
  - profiles of, 207-208
  - public notification of, 196-197
  - reasons for, 197-199
  - size of family, 208
- marital instability and, 209-212
  - custodial parent bankruptcy, 211-212
  - planned pre-divorce bankruptcy, 210
  - post-divorce bankruptcy, 210-211
  - precipitating divorce, 210
  - remarriage bankruptcy, 212
- non-business, incidence, 193
- planned pre-divorce, 210
- post-divorce, 210-211
- precipitating divorce, 210
- problems inherent in, 203-204
- remarriage, 212
- studying of
  - approaches to, 194-197
  - data-collection techniques effects on, 195-196
  - passage of time effects on, 195
  - taxonomy of, 200
  - types of, 200-203
- Bankruptcy Act of 1978, 194, 196-197
- Basch, N., 18
- Bastards, defined, 38
- Becker, H., 244
- Belle Terre v. Boraas*, 157
- Beller, A.H., 112
- Bellotti v. Baird*, 130-131
- Bennett, N.G., 147
- Bernard, J., 79, 81
- Beyond the Best Interests of the Child*, 45
- Biblical Antiquities*, 295-296
- Birth rate, in post-Revolutionary America, 19-20
- "Black matriarchy," in African American family, 80
- Blackstone, W., 8, 9, 124
- Blackwell, J.E., 80
- Blood testing, HLA, in paternity determination, 36
- Blustein, J., 244, 250-251
- Boddie v. Connecticut*, 25
- Booth, A., 147
- Bowers v. Hardwick*, 71
- Bradborg, D., 2-3
- Braschi v. Stahl*, 62-66
- Breed v. Jones*, 133-134
- Brichford, P., 12
- Broadman, Judge, 259
- Brown, C.A., 295-296
- Bumpass, L.L., 145, 146, 147, 158
- Bush, G., 228-229

Business, failure of, bankruptcy due to, 199

*Caban v. Mohammed*, 40

California, divorce laws in, 48

Campbell, J., 255

Caplovitz, D., 197-198, 204, 209, 210

Carder, G., 248-249

Care, termination of, 239-255

autonomy of, 243-244

case study, 239-255

ethical perspective, 242-246

legal perspective, 241-242

rationality in, 242-243

relationship of duty and autonomy, 244-246

Caregiving, family, new paradigms for, 253-254

*Carey v. Population Services International*, 25

Carter, J., 86

"Central tenet of Puritanism," 11

CETA. *See* Comprehensive

Employment and Training Act

Chambers, D., 187-188

Chapter 7 bankruptcy, 200, 202-203, 205

Chapter 11 bankruptcy, 200-203

Chapter 13 bankruptcy, 200-203, 205, 206

Chattel slavery, 11

Cherlin, A., 158, 170, 183-184

Child care issues, of African American families, 92-93

Child custody, 45-47

in cohabitation relationships, 158

under common law, 18-19

equal rights in, 46-47

in gay and lesbian relationships, 44, 57, 66-69

joint custody, 46-47

maternal presumption, 34-35

maternal versus paternal, historical perspective, 45

physical, 45-46

stepparent, 176

Women's Movement, effects on, 45

Child labor

1830's, 126

Supreme Court decisions, 128-129

Child support

award rate of, 111

equity between custodial and noncustodial parents, 114-115

following divorce, 111-116

future directions in, 117

income shares method in, 113

lack of, 111

1984 legislation, 112-116

cost sharing in, 113

economic security for children, 113

effectiveness of, 114

enforcement of, 115

equity between coparents, 113

goals of, 113

problems related to, 114

taxation method in, 113-114

uniformity and consistency of, 113

wage withholding, 115

for child support, 115

1988 legislation, 116

pre-1980 issues, 111-112

societal responsibility for, 115-116

unemployment and, 115

unreceived, 111

Child Support Amendments (CSA) of 1984, 112-116

Child Support Enforcement Program, 86-87

Child Support Enforcement Program (IV-D), 112

Children

custody of. *See* Child custody

- illegitimate, fathers of, rights of, 38-40
- legal rights of, in U.S., 121-139
  - ACLU issues, 123-124
  - central controversy related to, 123-124
  - child labor, 126
  - contracts, 136-137
  - early American law, 125-126
  - enforcement of, 126-127
  - English common law, 124
  - financial responsibility of, 135-136
  - historical perspective, 124
  - incestuous rape, 135
  - issues related to, 121
  - juvenile court system, 126-127
  - liberties, 122
  - negative rights, 122
  - negligence, 134-135
  - positive rights, 122
  - privileges, 122
  - property, 137-138
  - public education, 125-126
  - Roman law, 124
  - Supreme Court decisions, 127-134
    - abortion rights, 130-131
    - child labor, 128-129
    - compulsory school attendance, 127-129
    - due process rights, 131-134
    - free expression in school, 129
    - procedural due process in school, 129-130
  - torts, 134-136
  - typology of, 122-123
  - watershed in, 126-127
- no-fault divorce legislation effects on, 102-103
- in poverty, 230
- rights of
  - different types of, consequences of, 138
  - laws pertaining to, 25
- Children Act, 184-185
- Church Courts, Sex and Marriage in England*, 7
- Civil Rights Restoration Act of 1991, 88
- Civil Works Administration (CWA), 221
- Cleaver, E., 79
- Cochran, R.F., 46
- Cohabitation
  - defined, 143
  - heterosexual, 141-160
    - acceptance of, 144-145
    - age-related, 144-146
    - appealing factors in, 148
    - Census Bureau data related to, 144
    - common law marriage versus, 143
    - contracts for, 154-156
      - advantages of, 155, 156
      - cost of lawsuits, 155
      - indications for, 156
      - points to be addressed in, 155
      - property division, 155
      - Tarrant County, Texas, 166-168
  - effects on divorce rate, 146-147
  - effects on marriage, 146-147
  - extent of, 143-146
  - future trends, 144-145
  - legal considerations in, 148-160
    - child custody, 158
    - cohabitation contracts, 154-156. *See also* Cohabitation, heterosexual, contracts for
    - denial of economic claims, 149-150
    - division of assets, 153
    - health insurance, 157-158

- inheritance issues, 157
- rehabilitative alimony, 152
- renting and buying
  - property, 157
- state laws, 148-149
- validity, 157
- marriage versus, 141
  - legal differences, 156-158
  - prevalence, 144-146
  - problems related to, 156-158
  - short-term versus long-term, 143
  - time element in, 143
- Common law, English, children's rights, 124
- Common law marriage, 16-17, 142-143
  - among African Americans, 82
  - cohabitation versus, 143
- Common law (secular law)
  - custody of children in, 18-19
  - in early England, 8-9
  - diversity of, 10
  - versus ecclesiastical beliefs, in early England, 6, 8-9
  - English roots, spousal abuse, 42-43
- Community property laws, following divorce, 105
- Companionate marriage, 17
- Comprehensive Employment and Training Act (CETA), phasing out of, 87
- Conception, artificial, legalities regarding, 37
- Consumer Protection Act, 88
- Contraceptive practices, legal issues related to, 259-275
- Contracts
  - children's rights related to, 136-137
  - cohabitation, 154-156
- Control, defined, 122
- "Controversial Family Issues in the Black Community," 80
- Cost sharing, in child support guidelines, 113
- Cott, N., 12
- Cotton, J., 12
- Courts of equity
  - in American colonies, 11
  - in early England, 9-10
- Coverture, 8
- Credit issues, of African American families, 88-89
- Credit use, indebtedness linked to, 197-198
- Criminal Sexual Conduct Law, 43
- Crouse, M.A., 125-126
- Cruelty, divorce due to, 101
- Cuckolds
  - defined, 8
  - punishment of, 8
- Custody
  - of children. *See* Child custody
  - of frozen embryos, in separated couple, 38
  - laws regarding, 25
- Davis, S.M., 138
- Davis v. Davis*, 38
- Deborah, archetypal federal and family judge, 283-302
  - the archetype, 296-299
  - background, 284-285
  - Decalogue and Mosaic code, 285-288
  - the judge-prophet, 293-296
  - life of, 288-290
  - musical and art celebrations of, 285
  - the poet, 292-293
  - the warrior, 290-292
- Debt
  - causes of, 197-198
  - defined, 197
  - dischargeable, following bankruptcy, 201
  - effect on family, 197-200
  - management of, 198
- Decalogue, and the Mosaic law, 285-288

- DeMaris, A., 147
- Depression  
     economic recovery following, 227  
     welfare during, 220-221  
     welfare following, 222
- Disaffirmance, 136-137
- Divorce  
     absolute, 7  
     in African American family, 80  
     in American colonies, 12  
     bankrupt debtors and,  
         208, 209-212. *See also*  
         Bankruptcy, marital  
         instability and  
     cohabitation and, 146-147  
     common law property laws,  
         following divorce, 105  
     debt resulting from, 204  
     distribution of property at time of,  
         49  
     English laws compared with  
         American laws, in  
         post-Revolutionary  
         America, 13  
     financial aspects of, 102-104  
     grounds for, 100-102  
     historical perspective, in England,  
         6-7  
     incidence, 48  
     laws pertaining to, 25  
     middle and upper-class  
         phenomenon, 81  
     no-fault, 48  
     partnership model in, 48-49  
     in post-Revolutionary America,  
         rates of, 19  
     prevalence, 99, 169-170  
     spousal support following, men's  
         rights in, 47-50
- Divorce law  
     issues to be addressed in, 49  
     role of, 117  
     in United States, 99-117  
         alimony, 109  
         changes in, 100-101  
         child support, 111-116. *See*  
         *also* Child support  
         gender neutrality and equality,  
             104-111  
         alimony effects, 104  
         property distribution rules,  
             105-108  
         no-fault legislation, 100-104  
         property distribution rules,  
             105-108. *See also* Property  
         distribution rules, following  
         divorce
- Dixon, R.B., 106
- DNA fingerprinting, in paternity  
     determination, 36
- Dolphin, R., Jr., 207, 208
- "Domestic Law and International  
     Law," 79
- Domestic violence, in  
     post-Revolutionary  
     America, 18
- Douglas, Justice, 129
- Dower portion, 7
- Dred Scott v. Sanford*, 79
- Dubois, W.E.B., 79
- Due process, children's right to,  
     Supreme Court decisions,  
         131-134
- Due Process Clause, in rights of  
     unwed fathers, 39
- Dwight, T., 19
- Ecclesiastical beliefs, versus  
     common law, in early  
     England, 6, 8-9
- Economic issues  
     of African American families,  
         83-87  
     in post-Revolutionary America,  
         15-16
- Education, public school, role of,  
     125-126
- El Shaddai, defined, 297
- Elder, G.H., Jr., 220

- Ellwood, D., 230, 231
- Embryos, frozen, custody of, in separated couple, 38
- Employment issues, of African American families, 87-88
- England
- ceremonial marriage in, 142
  - common law marriage in, 142
  - law and family in, historical perspective, 6-12
  - annulment, 7
  - common law
    - diversity of, 10
    - versus ecclesiastical beliefs, 6, 8-9
  - community disapproval, 7-8
  - courts of equity, 9-10
  - cuckolds, 8
  - divorce, 6-7
  - English law, 10-11
  - marriage, 8-9
  - primogeniture, 10
  - skimmington, 7
  - spousal abuse, 9
  - spousal murder, 9
- laws of
- versus American laws, divorce, 13
  - as basis in post-Revolutionary America, 13
  - 19th century, children's rights, 124
- English Poor Laws, 217-218
- Enhanced earning capacity following divorce, 106
- as property in divorce settlement, 106
- Epilepsy, marriage regulations regarding, 24
- Equal Credit Opportunity Act, 88
- Equal Pay Act of 1963, 88
- Equal Protection Clause of the Fourteenth Amendment, in rights of unwed fathers, 39
- Equity, courts of
- in American colonies, 11
  - in early England, 9-10
- Ethical issues, in filial responsibility, case study, 239-255
- Eugenics, in post-Revolutionary America, 20-21
- Euthanasia, family decision making concerning, state intervention in ethical perspective, 250-253 legal perspective, 246-250
- Ex parte Crouse*, 125-126
- Fair Housing Act, 90
- Fair Labor Standards Act, 88
- FAIR plan insurance for distressed neighborhoods, 92
- Family
- autonomy of, loss of, 26
  - bankruptcy declared by, 193-213. *See also* Bankruptcy, families in
  - connotation by sound, 5
  - debt effects on, 197-200
  - gay relationships, 55-72. *See also* Family relationships, gay law and. *See* Law, family and lesbian, relationships of, 55-72. *See also* Family relationships, lesbian
  - lifestyle of, indebtedness linked to, 197
  - structures and roles of, changing of, 185-186
  - welfare laws, effects on, 217-235
- Family autonomy, 17
- Family caregiving, examination of, new paradigms for, 253-254
- Family Independence Program, of Washington state, 225
- Family law
- American, emergence of, 16-24
  - cases related to, 27
  - family reality versus, 33
  - gender bias in, 31



- men and, 31-50
  - abortion and father's rights, 40-42
  - abuse and marital rape, 42-43
  - advocacy groups' differing viewpoints, 35
  - artificial insemination and assisted conception, 37-38
  - child custody, 45-47
  - custody of frozen embryos, 38
  - divorce and spousal support, 47-50
  - establishing paternity, 36
  - gender neutrality, 33
  - inconsistency of, 34-35
  - individual rights, 33
  - marital and parenting rights of gay men, 43-44
  - rights of unwed fathers, 38-40
  - Supreme Court rulings, 33
  - transformation of rights and responsibilities, 34-44
- modern, 24-26
  - contradictory trends, 26
  - divorce, 25
  - marriage, 24-25
- state regulation in, 32
- Family privacy, 24
- Family reality, family law versus, 33
- Family relationships
  - gay, 55-72
    - acceptance of, 71-72
    - adoption into, 63-64
    - child custody issues, 57
    - criteria, 62-63
    - expression of affection, 69-70
    - health insurance benefits, 64-65
    - homosexual sodomy issue, 71
    - judges reactions to, 55-72
    - lack of material and psychological benefits in, 56-57
    - legal decisions related to, 55-72
    - procreation issue, 60-61
    - tolerance of, 71-72
  - lesbian, 55-72
    - acceptance of, 71-72
    - adoption into, 63-64
    - child custody issues, 57
    - criteria, 62-63
    - expression of affection, 69-70
    - health insurance benefits, 64-65
    - judges reactions to, 55-72
    - lack of material and psychological benefits in, 56-57
    - legal decisions related to, 55-72
    - procreation issue, 60-61
    - tolerance of, 71-72
- Family status, criteria, 63
- Family Support Act (FSA), 116, 225
- Fatherhood, versus conduct of fathers, 33
- "Fathers' Rights" groups, views of, 35
- Federal Emergency Relief Act (FERA), 221
- Feenburg, A., 262
- Feme covert, 9
- Field, Justice, 22-23
- Filial responsibility, legal and ethical issues in, case study, 239-255
- Filius nullius*, 38-40
- Fineman, M.A., 33, 107
- Fingerprinting, DNA, in paternity determination, 36
- Fortas, Justice, 133
- Foss v. Leifer*, 158
- Foster parenting, by gay men, 44
- Foucault, M., 270-271
- Fox, Brother, 250
- Frampton, P., 150
- Frankiel, T., 300-301
- Friedman, K.O'F., 72
- Frymer-Kensky, T., 290

- Galloway, A., 12  
 Garfinkel, I., 106, 107, 112, 219  
 Garrison, M., 103, 106  
 Gault, G., 132-133  
 Gay(s)  
   adoption and foster parenting by, 44  
   custody rights of, 44  
   marital and parenting rights of, 43-44  
   in United States, prevalence, 44  
 Gays. *See also* Family relationships, gay  
   children of, rights related to following break-up, 66-69  
   equal protection for, 59  
   marriage among, 58  
   sex discrimination of, 59  
 Gay Teachers Association of New York v. the New York City Board of Education, 64  
 Gelles, R.J., 42  
 Gender equality  
   described, 105  
   in divorce laws, 104-111  
 Gender neutrality  
   described, 105  
   in divorce laws, 104-111  
   in family law, 33  
 Georgia, artificial insemination laws in, 37  
 Gibson, Chief Justice, 17  
 Gilbert, E., 239-255  
 Gilbert, R., 239-255  
 Gilmore, G., 13  
 Girth, M., 196  
 Givon, U., 285  
 Glass, B.L., 115  
 Glendon, M.A., 33, 151, 153-154  
 Glickstein, Judge, 249-250  
 Goitein, S.D., 293  
 Goldenberg, S., 148  
 Goldziher, I., 299  
 Gomez v. Perez, 39  
 Goss v. Lopez, 129-130  
 Gouge, W., 11  
 Graham, J.W., 112  
 Griswold v. Connecticut, 24  
 Grossberg, M., 19  
 Gwartney-Gibbs, P.A., 145  
 Haarpur, J., 288  
 Hale doctrine, 42-43  
 Hanisch, C., 32  
 Hanushek, E.A., 194  
 Haskins, G., 11  
 Haskins, R., 225  
 Hazelwood School District v. Kuhlmeier, 129  
 Head Start, 223  
 Health insurance  
   among African Americans, 85  
   for cohabitators, 157-158  
 Health insurance benefits, gay and lesbian rights regarding, 64-65  
 Heck, R.K.Z., 208  
 Heino v. Harper, 25  
 Hewellette v. George, 23, 135  
 Hewitt v. Hewitt, 149-150  
 Hill, A., 283-284  
 Hill, R., 79, 82, 244  
 Hillman, J., 296  
 Historical perspective, 5-27  
   colonial experience, 10-12. *See also* American colonies  
   English roots, 6-10. *See also* England, law and family in, historical perspective  
   modern family law, 24-26  
 H.L. v. Matheson, 131  
 HLA. *See* Human leukocyte antigen  
 Hohfeld, W.N., 122  
 Holmes, O.W., 21  
 Homosexuals, men. *See* Gay(s)  
 "Homosexual sodomy," criminality of, 71  
 Homosexuals. *See* Gays; Lesbians  
 Horowitz, R.M., 135  
 Houlgate, L.D., 131

- Household production, in property settlement following divorce, 108
- Housing, in African American families, 89-92
  - conditions related to, 90-91
  - renters versus homeowners, 89-90
  - segregation issues, 90
  - subsidized housing, 91
- Housing and Community Development Act, 91
- Housing and Community Development Act of 1974, 90
- Human leukocyte antigen (HLA)
  - blood testing, in paternity determination, 36
- Hunter, B.G., 135
- Hysterectomy(ies), radical, as sterilization method, 264
- Illegitimacy, in African American family, 80,81-82
- Illegitimate children, fathers of, rights of, 38-40
- Immigration law, effect on stepchildren, 181-182
- In loco parentis*, 122,171-173
- In re Gault* case, 132
- In re the Adoption of Evan*, 63-64
- In re Winship* case, 133
- In the Matter of ZJH*, 68
- In vitro fertilization, social and political issues related to, 263
- Income shares method, in child support guidelines, 113
- Indebtedness
  - defined, 197
  - management of, 198
- Individual rights, in family law, 33
- Inequality
  - of African Americans in United States, 79
  - of gays and lesbians, 55-72
- Ingram, M., 7,8
- Inheritance
  - legal system regarding, 1-2
  - for stepchildren, 179
- Insurance coverage
  - for married couples, 56
  - for stepchildren, 179
- Jabin, King of Canaan, 290-291
- Jackson, J.E., 194
- Jacob, H., 100,101,198
- Jefferson, T., 11
- Jew(s), Kurdistan, Deborah and, 285
- Jewish Antiquities*, 295
- Job Corp, 223
- Job training, for welfare mothers, 223
- Joe, C.W., 93
- Johnson, D., 147,259
- Johnson, L.B., 223,227-228
- Joint custody, 46-47
- Judge(s)
  - effects of gay and lesbian issues on, 55-72
  - women, 283-302. *See also* Deborah, archetypal federal and family judge
- Jury duty, legal system regarding, 2
- Juvenile court system, in children's rights, 126-127
- Kargman, M.W., 169,183-184
- Katz, S., 9
- Kay, H.H., 105,107,110-111,117
- Kaye, J., 66-67
- Kemet, Afrocentricity and Knowledge*, 79
- Kemetan principles, 79
- Kennedy, J.F., 227-228
- Kent and Gault*, 127
- Kent, M.A., Jr., 132
- Kent v. United States*, 131-132
- Kerber, L., 13

- Krause, H.D., 111-112, 113, 115  
 Kurdistan Jews, Deborah and, 285
- Ladner, J., 79  
 Lane, S., 200, 208  
 Law. *See also* Legal system  
   cohabitation and, 141-160. *See also* Cohabitation, heterosexual, legal considerations in  
   connotation by sound, 5  
   divorce. *See* Divorce law  
   family. *See* Family law  
   family and  
     historical perspective, 5-27.  
     *See also* England, law and family in  
     American colonies, 10-12  
     English roots, 6-10  
     post-Revolutionary  
       America, 12-24.  
     *See also* Post-Revolutionary  
     America, law and family in,  
     historical  
     perspective  
   overview, 1-4  
   twenty-first century, 26-27  
   filial responsibility related to,  
     case study, 239-255  
   gendered, 31. *See also* Family  
     law, men and  
   impact on women, 283-302  
   marriage, history of, 142-143  
   power of, 2-3  
   rationality of, deconstructing of,  
     55-72  
   reproductive technologies and,  
     259-275  
   stepfamilies and, 169-190. *See also* Step family(ies), laws affecting  
 Laws of Eshnunna of 2000 BCE area  
   near Bagdad, 286
- Layoff, bankruptcy due to, 199  
 Legal Aid, for African American  
   single-parent families,  
   82-83  
 Legal rights, of children, in U.S.,  
   121-139. *See also* Children,  
   legal rights in U.S.  
 Legal system. *See also* Law  
   and inheritance transfers, 1-2  
   and jury duty, 2  
   political institution and, 78  
   religious institution and, 77  
   United States, African American  
     family and, 77-93. *See also*  
     African American family,  
     and U.S. legal system
- Legitimacy  
   artificial insemination and, 37  
   rights of unwed fathers, 38-40  
*Lehr v. Robertson*, 40  
 Lesbians. *See also* Family  
   relationships, lesbian  
   children of, rights related to  
     following break-up, 66-69  
   equal protection for, 59  
   marriage among, 58  
   sex discrimination of, 59
- Leslie, G.R., 147  
 Levi-Tannai, S., 285  
 Levy, R.J., 105-106  
*Levy v. Louisiana*, 39  
 Liberating rights, of children,  
   122, 123-124  
 Liberties of children, 122  
*Little v. Streater*, 36  
 Llewellyn, K., 47  
 Lord Harwick's Marriage Act of  
   1753, 142  
*Losing Ground: American Social  
 Policy 1950-1980*, 224  
*Loving v. Virginia*, 24, 59-60
- Macklin, E.D., 144, 148-149, 158  
 Maitland, F.W., 7  
 Malinowski, B., 245-246

- "Man in the House," for AFDC benefits, 86
- Marital home, in property settlement following divorce, 107-108
- Marital rape
  - conviction for, 43
  - men's rights regarding, 42-43
- Marriage
  - age as factor in, 24
  - bankruptcy affecting, 193-213.
    - See also* Bankruptcy, families in
  - ceremonial, in England, 142
  - cohabitation effects on, 146-147
  - cohabitation versus, 141
    - legal differences, 156-158
  - common law, 16-17, 142-143
    - among African Americans, 82
    - versus cohabitation, 143
    - in England, 142
  - companionate, 17
  - criteria, 63
  - defined, 47, 158
  - entrance to and exit from,
    - regulation of, 24
  - forbidden, in post-Revolutionary America, 20-21
  - formal versus informal, 142
  - of gay men, rights pertaining to, 43-44
  - historical perspective, in England, 6, 8-9
  - impediments to, in
    - post-Revolutionary America, 20-21
  - inequality in, 110
  - informal, 16-17
  - instability of, bankruptcy and, 209-212. *See also* Bankruptcy, marital instability and
  - interracial, in post-Revolutionary America, 21-22, 22f
  - laws pertaining to, history of, 142-143
  - legal rights in, 55-56. *See also* Married couples, legal privileges given to
  - length of, as factor in property settlement following divorce, 107
  - non-intervention in, in
    - post-Revolutionary America, 23-24
  - privacy regarding, 24-25
  - racial, in post-Revolutionary America, 21-22
  - same-sex, 55-72
  - state regulation of, in
    - post-Revolutionary America, 20-23, 22f
  - stepchild support during and after termination of, 173-175
- Marriage license, in
  - post-Revolutionary America, 20
- Married couples
  - legal privileges given to, 55-56
  - material possessions, 56
  - psychological benefits, 56
  - procreation among, 60
  - safety and security of, 56-57
- Married Women's Property Acts, in
  - post-Revolutionary America, 16, 18
- Marvin, L., 151-154
- Marvin, M.T., 151-154
- Marvin v. Marvin*, 151-152
- Massachusetts Bay Stubborn Child Law of 1646, 125
- Massachusetts compulsory school attendance law, 126
- Masson, J., 184-185
- Material advantages, of married couples, 56
- Matrimonial Clauses Act of 1857*, 7
- Mauss, M., 246, 252-253
- Maynard v. Hill*, 22
- McAdoo, H.P., 79
- McCall, P., 150

- McCall v. Frampton*, 150-151  
 McCant, J.W., 50  
*McCarty v. McCarty*, 108  
*McCullon v. McCullon*, 151  
*McGuire v. McGuire*, 23  
*McKeiver v. Pennsylvania*, 133  
 McLanahan, S., 112, 219  
 McLaughlin, S.D., 145  
 Mead, M., 146  
 Meadow of the House of Maachah, 297-298  
 Medicaid, 223  
 Medical expenses, uninsured, bankruptcy due to, 199  
 Medicare, 223  
 Men  
     artificial insemination process, legalities regarding, 37-38  
     bankruptcy declared by, 207  
     gay. *See* Gay(s)  
     law in family life of, 31-50. *See also* Family law, men and obligations of, in nineteenth century, 34-35  
     power and authority of, in mid-1800s, changes in, 34  
 Merton, R.K., 78-79, 80  
 Mesopotamian Legal Documents of 1500 BCE Nuzi on the Tigris River, 286  
 Meyers, C., 288-289, 294  
*Michele G. v. Nancy S.*, 68  
 Michigan, Criminal Sexual Conduct Law of, 43  
 Mills, C.W., 78  
 Minow, M., 117  
 Miscegenation, 70  
 Mississippi, marriage laws in, in post-Revolutionary America, 23  
 Missouri, marriage laws in, 24  
 Modell, J., 145  
 Moran, M.G., 239  
 Mosaic code, Decalogue and, 285-288  
 Mothers' Aid, 218-220  
 Mothers' Aid Law, 218-220  
 Mothers' Assistance, 218-220  
 Mothers' Pension, 218-220  
 Murder, spousal, in early England, punishment, 9  
 Murray, C., 224, 230  
 Murray, J.E., 136  
 National Labor Relations Act, 88  
 National Survey of Families and Households 1987-1988, cohabitation studies, 144  
 National Welfare Rights movement, 223  
 Nebraska, marriage laws in, post-Revolutionary America, 23  
 Negative right, 122  
 Negligence, in children's rights, 134-136  
 New Deal, 221  
 "New Fatherhood" groups, views of, 35  
 "New Right" group, views of, 35  
 Niditch, S., 291  
 No-fault divorce, 48  
 No-fault divorce legislation, 100-104  
     connotations of, 102  
     consequences for women and children, 102-103  
     financial effects, 102-104  
     grounds for divorce, 100-102  
     spousal support related to, 102-103  
 Noddings, N., 252  
 Nonmonetary contributions, in property settlement following divorce, 108  
 Norplant, 259-275. *See also* Reproductive technologies for "bad mothers," 259, 269-270  
     court-ordered use of, 260  
     described, 259, 263, 267, 275  
     legal regulation of, 269-274

- for welfare mothers with excessive size families, 259-260
- Norplant Contraceptive System. *See* Norplant
- Oakley, M.A.B., 37
- Occupational Safety and Health Act, 88
- Of Domestic Duties*, 11
- Okin, S.M., 50
- Old-Age, Survivors, and Disability Insurance Program (OASDI), for stepchildren, 179-181
- Old Age Assistance, 221
- Old Age Insurance, 221
- Omnibus Budget Reconciliation Act (OBRA), 183
- Oregon, marriage laws in, in post-Revolutionary America, 22
- Orr v. Orr*, 109
- Paige, Senator, 18-19
- Palmore v. Sidoti*, 70-71
- Panel on Government and the Advancement of Social Justice, 86
- Panel Study of Income Dynamics, 231
- Parens patriae*, 38,125,127
- Parent Locator Service, 83
- Parental immunity, 23-24,25
- Parenting, shared, 46-47
- Parents and Children*, 243
- Parsons, T., 77,80
- Partnership model, in divorce, 48-49
- Paternal autonomy, 17
- Paternalism, principle of, 121
- Paternity
  - artificial insemination and, 37
  - determination of, 36
- Patria potestas*, doctrine of, 8
- Pearce, R., 8
- Pension, distribution of, in property settlement following divorce, 108
- Phillips v. Wisconsin Personnel Commission*, 65
- Pierce v. Society of Sisters*, 127-128
- Planned Parenthood of Central Missouri v. Danforth*, 41,130
- Pleck, E., 18
- Plessy v. Ferguson*, 79
- Political institution, legal system and, 78
- Pollock, F., 7
- Polonko, K.A., 146-147
- Porter, J.R., 293
- Positive right, 122
- Post-Revolutionary America, law and family in, historical perspective, 12-24
  - birth rate, 19-20
  - changes in women's role, 18
  - custody of children, 18-19
  - divorce, 13
  - domestic violence, 18
  - economic changes, 15-16
  - emergence of American family law, 16-24
  - English law as basis for, 13
  - ideological changes, 13-15
  - marriage, 16-17
  - Married Women's Property Acts, 16,18
  - parental immunity, 23-24
  - social collapse, 19-20
  - state regulation of marriage, 20-23,22f
- Poverty, children of, 230
- Power, defined, 122
- Preminger, Judge, 63-64,72
- Preston, W.J., 196,208,212
- Primogeniture, 10
- Prince v. Commonwealth of Massachusetts*, 24

- Prince v. Massachusetts*, 128-129
- Privileges, of children, 122
- Procreation, moral status of, 60-61
- Property
- children's rights related to, 137-138
  - defined, 105-106
- Property distribution rules, following divorce, 105-108
- common law property laws, 105
  - community property laws, 105
  - current status of property allocations, 106-108
  - enhanced earning capacity issues, 106
  - important issues related to, 106
  - inequality for women, 107
  - length of marriage related to, 107
  - marital home disposition, 107-108
  - nonmonetary contributions in, 108
  - pension distribution, 108
  - standards used for distribution, 106-107
- Protective rights, of children, 123-124
- Psychological benefits, of married couples, 56
- "Psychological parent," 172
- Public schools, role in educating children, 125-126
- Public Service Employment (PSE), 87
- Public welfare, in African American family, 80
- Quilloin v. Walcott*, 40
- Quinlan, K., 241-242
- Race, as factor in marriage, in post-Revolutionary America, 21
- Ramsey, S., 185-186
- Ramsome, H.M., 299
- Rank, M., 224, 233
- Rape, incestuous, children's rights related to, 135
- R.A.V. v. St. Paul*, 79
- Reagan-Bush era
- AFDC changes proposed by, 86-87
  - Social Security cuts in, 84-85
- Reagan, R., 82-83, 225
- Redlining, 92
- Redman, R.M., 188
- Rehabilitative alimony, following heterosexual cohabitation breakup, 152
- Rehnquist, Justice, 134
- Relationships, types of, 142
- Religious institution, legal system and, 77
- Remarriage, challenges affecting, 170
- Reproductive technologies
- effects on social environments, 260-269
  - laws affecting, 259-275. *See also* Norplant
  - Norplant, 259-275
  - separation of heterosexual sex from procreation by, societal dilemmas posed by, 261-262
  - social and political contexts of, 260-269
  - in vitro fertilization, 263
- Republican family. *See* Post-Revolutionary America
- Rettig, K.D., 114
- Rhodes, D.L., 117
- Ricketts, W., 69
- Right(s). *See also specific topic, e.g.,* Abortion, rights of children
- defined, 122
  - liberating, 122, 123-124
  - negative, 122
  - positive, 122



- Ringgren, H., 294  
*Rivera v. Minnich*, 36  
 Rodham, H., 121  
*Roe v. Roe*, 69  
*Roe v. Wade*, 32,40-42  
 Roha, R.A., 155  
*Roller v. Roller*, 23,135  
 Roman law, children's rights, 124  
 Roosevelt, F.D., 221,226-227  
 Roosevelt, T., 84  
 Rotundo, E.A., 33  
 Rubin, E.R., 39  
 Ryan, M., 196
- Salmon, M., 11  
 Same-sex marriage, 55-72  
*Schall v. Martin*, 134  
 Schnaiberg, A., 148  
 School
  - compulsory attendance in,
    - Supreme Court decisions, 127-129
  - free expression in, Supreme Court decisions, 129
  - procedural due process in,
    - Supreme Court decisions, 129-130
- Schwartz, M.D., 138  
 Secular law. *See under* Common law  
*S.E.G. v. R.A.G.*, 69-72  
 Segregation, in single-parent African American families, 90  
 Seiling, S.B., 114  
 Self-sufficiency, in American society, expectations of, 226-229  
 Seltzer, J.A., 106,107  
 Sevenhuijsen, S., 35  
 Sex discrimination, of gays and lesbians, 59  
 Sexual incapacity, annulment due to, 7  
 Shared parenting, 46-47  
 Shield, B., 136-137
- Shofeim, 290  
 Shultz, M., 267  
*Singer v. Hara*, 58-62  
 Skimmington, 7  
*Skinner v. Oklahoma*, 24,264  
 SLAPP (strategic lawsuits against public participation), 3  
 Slavery
  - African American single-parent families and, 81-82
  - chattel, 11
- Smart, C., 35,271  
 Social order, new technologies effects on, 260-269  
 Social Security
  - for African American single-parent families, 84
  - cuts in, 84-85
- Social Security Act, 221  
 AFDC and, 83  
 Sodomy, homosexual, criminality of, 71  
 Song of Deborah, 292-293  
*Soul on Ice*, 79  
 Spanier, G.B., 144,148-149  
 "Spells of poverty," 229  
*Sponsalia per verba de futuro*, 27  
*Sponsalia per verba de praesenti*, 142  
 Spousal abuse, legalities regarding, 42-43  
 Spousal consent, in abortion, 41-42  
 Spousal immunity, 25  
 Spousal support
  - divorce and, men's rights in, 47-50
  - following divorce, 109-111
    - amount awarded, 110,111
    - award rate of, 110,111
    - factors influencing, 109-110
    - objectives of, 109
  - no-fault divorce legislation effects on, 102-103
- Stanley, D.T., 196  
*Stanley v. Illinois*, 39

- Staples, R., 79
- State v. Rideout*, 43
- Step family(ies). *See also*
- Stepchildren; Stepparents
  - challenges affecting, 170
  - defined, 170
  - laws affecting, 169-170
    - adoption, 176-177
    - case examples, 171
    - in loco parentis*, 171-173
    - recommendations for reform, 183-189
    - goals, 185
    - stepchild support, 173-175
    - stepchildren, 178-183. *See also* Stepchildren, rights to legal benefits
    - stepparent custody, 176
    - visitation, 175
- Stepchildren
- rights to legal benefits, 178-183
    - AFDC, 182-183
    - immigration law, 181-182
    - inheritance, 179
    - insurance, 179
    - Social Security OASDI Program, 179-181
    - worker's compensation, 178
    - wrongful death benefits, 178
  - support of, 173-175
- Stepparents
- adoption by, 176-177
  - child custody to, 176
  - in loco parentis*, 171-173
  - support for stepchildren, during marriage and after its termination, 173-175
  - visitation by, 175
- Sterilization abuse, 264
- Strategic lawsuits against public participation (SLAPP), 3
- Straus, M.A., 42
- Subsidized housing, 91
- Sugarman, S.D., 103-104, 110-111, 117
- Sullivan, T.A., 195
- Supreme Court rulings
- in children's rights, 127-134. *See also* Children, legal rights of, in U.S., Supreme Court decisions
  - on men's familial rights and obligations, 33
- Sweet, J.A., 145, 146, 147, 158
- Swinton, D., 81
- Tanfer, K., 145, 146
- Tarrant County Trial Lawyers Association, 3
- Tax savings, for married couples, 56
- Taxation method, in child support guidelines, 113-114
- Teachman, J.D., 146-147
- Teenagers, unwed, Black, 81-82
- Teraphim, 289
- Teubal, S.J., 295
- The Atlanta Journal Constitution*, 92
- "The Black Family in American Society," 80
- The Code of Hammurabi of 1728-1686 BCE Old Babylonian (Amorite) Kingdom, 286-287
- "The Color of Money," 92
- The Divorce Revolution*, 102
- The Laws Respecting Women*, 9
- Thomas, C., 283-284
- Thompson, Governor, 228-229
- Thompson v. Oklahoma*, 123-124
- Thornton, A., 145
- Tinker v. Des Moines Independent Community School district*, 129
- Tinker v. Des Moines Independent School District*, 25
- Title VII of the Civil Rights Act of 1964, 88
- Torts, children's rights related to, 134-136
- Twenty-first century, family and law in, 26-27

- Unemployment
  - of African Americans, 87-88
  - bankruptcy due to, 199
  - during Depression, 220-221
  - effect on child support, 115
- Unemployment Insurance, 221
- Uniform Child Custody Jurisdiction Act, 83
- Uniform Gifts to Minor Act, 137
- Uniform Marriage and Divorce Act of 1970 (UMDA), 109
- Uniform Parentage Act, 36,37
- Uniform Putative and Unknown Fathers Act, 36,39-40
- Uniform Reciprocal Enforcement of Child Support Act, 83
- Unions, non-traditional, formed by Black males, 82
- United States
  - bankruptcy in, types of, 200-203
  - children's legal rights in, 121-139.
    - See also* Children, legal rights of, in U.S.
  - common law marriages in, 142-143
  - divorce law in, 99-117
    - non-business bankruptcy in, 193
- United States v. Yazell*, 8
- Unwed fathers, rights of, 38-40
- Urban Property Protection Reinsurance Act of 1968, 92
- Varon, J.A., 239-255
- Visher, E., 186-187
- Visher, J., 187
- Visitation, defined, 175
- Visitation privileges, of stepparents, 175
- Wald, N.S., 123
- Walker, T.B., 103
- "War on Poverty," 223
- Warren, E., 195
- Washington State Statutes, 21
- Weiss, H.R., 92
- Weitzman, L.J., 102-104, 106, 110, 144, 155
- Welfare
  - American families on, prevalence, 217
  - children on, 230
  - cuts in, 224
  - dependency on, 224-225
  - during depression, 220-221
  - families on, prevalence, 223-224
  - household structure related to, 231
  - intergenerational use, 231-233
  - job training for women on, 223
  - during Johnson administration, 223
  - leaving, 232-233
  - legislation related to, 229-233
  - Mothers' Pensions, 218-220
  - Norplant use for mothers on, 259-260
  - during post-Depression years, 222
  - during post-World War II years, 222
  - programs related to, 220-224
  - Republican versus Democrat issues related to, 225
  - research related to, 229-233
    - types of, 218
  - retrospective view, 218-226
    - in 1960s, 227
    - in 1970s, 228
  - social fabric related to, 226-229
  - unemployment effects on, 221
- Welfare benefits, for African American single-parent families, 83-87
- Welfare laws, effects on family, 217-235
- Welfare system
  - entering and exiting of, criteria for, 229-230

- overhaul of, 225
- use of, 230-231
- Westbrook, J.L., 195
- White House Conference on the Care  
of Dependent Children,  
218-219
- Widows, benefits to, historical  
perspective, 219-220
- Widows' Pension, 218-220
- Wiersma, G.E., 146, 148
- Wisconsin v. Yoder*, 128-129
- Women
  - law effects on, 283-302
  - no-fault divorce legislation effects  
on, 102-103
  - welfare effects on, 217-235. *See*  
*also under Welfare*
- Women's Movement, child custody  
changes due to, 45
- Women's rights, in
  - post-Revolutionary  
America, custody of  
children, 18-19
- Woodson, C.G., 79
- Work ethic, American, 226
- Work Study, 223
- Worker's compensation, for  
stepchildren, 178
- Works Projects Administration  
(WPA), 221
- World War II
  - economic recovery during, 227
  - welfare following, 222
- "Worthy poor," 219
- Wrongful death benefits, for  
stepchildren, 178
- Zainaldin, J., 18
- Zimring, F.E., 99, 100

